

## **REMARKS/ARGUMENT**

### Description of Amendments

Claims 1-77 are now pending and under examination. Applicant has amended claim 77. No new matter has been added.

### Allowed and Allowable Claims

Applicant appreciates that the Examiner has allowed claims 1-65 and indicated that claims 70-76 would be allowable if they are rewritten to include all of the limitations of the base claim and any intervening claims.

### Rejection under 35 U.S.C. §112, Second Paragraph

Claim 77 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant believes that the amendment to claim 77 overcomes the rejection.

### Rejection under 35 U.S.C. §102

Claims 66-69 were rejected under 35 U.S.C. §102(b) as being anticipated by Tomaka (U.S. Patent 5,383,411). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

Claims 66-69 each recite first and second flaps having a leg position extending vertically down, and the step of moving the first and second flaps from the wing position to the leg position. Tomaka, on the other hand, does not teach a vertical leg position for the legs (18, 20). As shown in Figure 5 of Tomaka, the legs do not reach the vertical position. Accordingly, Tomaka does not anticipate claims 66-69.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If necessary to effect a timely response, this paper should be considered as a petition for an Extension of

Application No. 10/774,698  
Amendment dated January 31, 2007  
Reply to Office action of August 11, 2006

Time sufficient to effect a timely response, and please charge any deficiency in fees or credit  
any overpayments to Deposit Account No. 07-1850.

Respectfully submitted,

Date: January 31, 2007

/Song Zhu, Reg. No. 44,420/

---

Squire, Sanders & Dempsey L.L.P.  
One Maritime Plaza  
Suite 300  
San Francisco, CA 94111  
Facsimile (415) 393-9887  
Telephone (415) 954-0241  
[szhu@ssd.com](mailto:szhu@ssd.com)

---

Song Zhu, Ph.D.  
Attorney for Applicant  
Reg. No. 44,420